

REMARKS

Claim 1-47 are pending of which claims 2-11, 13-30, 38, 39, 44, 46 and 47 are withdrawn from consideration. Of the claims under consideration, claims 1, 31 and 40 are the only independent claims.

In the current Office Action claim 1, 12, 31-37, 40-43 and 45 are rejected.

Claim, 1, 12, 31, 33, 36, 37, 40, are rejected under 35 U.S.C. 102 as being anticipated by US 4,182,329 to Smit et. al. Claims 32, 34, 35 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,842,136 to Browner in view of Smit.

Claim 1 claims a method for treating blemishes having furrows on a region of a person's skin comprising: positioning a surface of a bracing body so that the surface contacts or is proximate to the region of skin; and attracting the region of skin to the surface so that blemishes in the region of skin are flattened to the surface. The Examiner contends that Smit discloses an apparatus and methods that carries out the steps as claimed for treating blemishes. In particular, the Examiner states that Smit positions a surface (86) of a bracing body to a skin region, steams the region and applies suction to the steamed area and “thereby the blemishes in the skin region are flattened to the surface (86)”. Applicant respectfully traverses.

Smit describes apparatus and methods for treating acne by heating a region of skin with steam to “open pores and melt any wax-like substances within the pores and otherwise cause the skin to be cleaned”. Thereafter a mild suction is applied to the steamed area. In some cases the suction may be applied in a pulsating manner to massage the skin.

Smit further describes the suction or vacuum as:

“a vacuum which draws the material from the skin” (column 3 line 8, the “material” being melted waxes);

“the vacuum is switched on for a period which is long enough to draw the water, oil or other material from the face” (column 4 lines 29-32); or

“gentle pulling suction” (column 4 line 39-40);

Smit nowhere describes an aggressive vacuum or suction required to flatten furrows of blemishes to a bracing body. In fact were Smit’s vacuum or suction sufficient to flatten furrows to a bracing surface it would interfere with the application for which Smit’s vacuum or suction is intended - removing debris from the skin. Flattening the skin to a bracing surface would in fact press the melted oils and waxes back into the pores from which they were removed by steam and obstruct the flow of the waste to the “waste collector tray 38” (column 2 line 36).

In view of the above, the applicant submits that Smit does not teach a vacuum that flattens furrows of blemishes to a bracing surface, nor does Smit’s apparatus comprise a vacuum and

bracing surface that inherently cooperate to do so and that claim 1 is patentable over Smit. The applicant submits that the Examiner's contention that Smit inherently or otherwise teaches a vacuum that flattens furrows is based on hindsight stimulated by the present application.

Claim 31 is patentable over Smit for the same reasons that claim 1 is patentable over Smit.

With respect to claim 33 the claim recites a deformable foil that is flattened to a bracing body. Smit does not mention such a foil and the claim must be considered patentable over Smit.

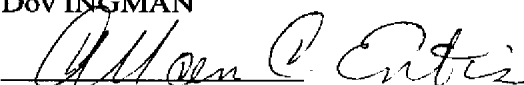
Claim 40 claims an elastic foil attached to a bracing body that distends away from the bracing surface and adheres to skin in a furrow and "when air is subsequently aspirated through the passage the foil substantially recovers its shape flattening to the bracing body surface and flattening thereby the blemish." No hint at such a foil is mentioned in Smit and therefore Smit cannot anticipate the claim.

With respect to claim 34 the claim recites "a foil having a dielectric layer". Whereas Browner refers to "electrodes of "flexible electro-conductive sheet rubbery compound" (column 2 lines 5-7) Browner does not describe a foil and therefore cannot be combined with Smit to support a prima facie rejection for obviousness.

Claim 35 recites the limitation of a bracing body and a foil formed from a magnetized material. None of the art cited by the Examiner hints at a magnetized material and cannot therefore alone or in combination support a prima facie rejection of the claim.

In view of the above applicant submits that all the independent claims in the application are patentable over the cited art, dependent claims discussed above are patentable for the reasons put forth and dependent claims not specifically discussed are patentable at least through dependence on a patentable independent claim.

Respectfully submitted,
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